

Assembly Bill No. 2429

CHAPTER 640

An act to amend, repeal, and add Section 41841.6 of the Education Code, relating to education of prisoners, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 24, 2000. Filed
with Secretary of State September 26, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2429, Wildman. Education of prisoners.

Existing law sets forth a formula for the calculation of average daily attendance for schools or classes for adults in correctional facilities, and provides that a school district or county board of education may not claim or report any increase in average daily attendance in excess of the authorized limit of adult education average daily attendance unless the Legislature approves the increase for that fiscal year in the annual Budget Act.

This bill would instead provide, for the 2000–01 fiscal year, that a school district or county board of education may not claim or report any increase in average daily attendance generated in the 2000–01 fiscal year for schools or classes for adults in correctional facilities in excess of the average daily attendance claimed and authorized during the previous fiscal year multiplied by a factor of 1.025 to 1.14, as specified. The bill would also provide commencing with the 2001–02 fiscal year, that a school district or county board of education may not claim or report any increase in average daily attendance for schools or classes for adults in correctional facilities in excess of the average daily attendance authorized during the previous fiscal year multiplied by 1.025 unless the Legislature approves the increase for that fiscal year in the annual Budget Act.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 41841.6 of the Education Code is amended to read:

41841.6. (a) Except as otherwise provided in subdivision (b) of Section 46191, commencing with the 1994–95 fiscal year, and for each fiscal year thereafter, for purposes of Sections 1909 and 41841.5, the calculation of the average daily attendance for schools or classes for adults in correctional facilities is subject to the following condition: A school district or county board of education shall not claim or report

any increase in average daily attendance in excess of the percentage authorized by subdivision (c) of Section 52616.17, unless the Legislature approves the increase for that fiscal year in the annual Budget Act.

(b) No state funds shall be allocated to a school district or county board of education for units of average daily attendance that have not been approved by the Legislature pursuant to subdivision (a).

(c) This section shall become inoperative on July 1, 2000, and as of January 1, 2001, is repealed, unless a later enacted statute, that becomes effective on or before January 1, 2001, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 2. Section 41841.6 is added to the Education Code, to read:

41841.6. (a) Except as otherwise provided in subdivision (b) of Section 46191, for the 2000–01 fiscal year for purposes of Sections 1909 and 41841.5, in calculating the average daily attendance for schools or classes for adults in correctional facilities, a school district or county board of education may not claim or report any increase in average daily attendance in excess of the average daily attendance claimed and authorized pursuant to this article during the previous fiscal year multiplied by a factor of 1.025 to 1.14, as specified as follows:

(1) A school district or county office of education that has not experienced a loss of average daily attendance due to extenuating circumstances may not claim or report an increase in average daily attendance in excess of that authorized pursuant to this article during the previous fiscal year multiplied by 1.025.

(2) A school district that experienced a loss of units of average daily attendance due to extenuating circumstances may not claim or report an increase in average daily attendance in excess of that authorized pursuant to this article during the previous fiscal year multiplied by a factor equivalent to the number derived by adding 1.025 to the extenuating circumstances factor, as defined pursuant to paragraph (3).

(3) For purposes of this section, “a school district or county office of education that experienced a loss of average daily attendance due to extenuating circumstances” means a school district or county office of education that experienced a loss of average daily attendance as a result of the temporary or permanent closure of jails, a jail, or a unit thereof, that occurred on or after June 30, 1993, at which the district or office provided jail education programs that were subject to reimbursement by the state.

(4) For purposes of paragraph (2), “extenuating circumstances factor” means that number derived by dividing the number of units of average daily attendance lost to circumstances defined in paragraph (3) divided by the number of units of average daily attendance claimed in the fiscal year prior to the extenuating circumstances occurring, provided that the factor does not exceed .115.

(5) Any school district or county office of education claiming additional average daily attendance pursuant to the “extenuating circumstances factor” defined in paragraph (4) shall document the extenuating circumstances and the data involved in calculating their extenuating circumstances factor. This subdivision shall apply only to average daily attendance generated in the 2000–01 fiscal year.

(b) Except as otherwise provided in subdivision (b) of Section 46191, commencing with the 2001-02 fiscal year, and for each fiscal year thereafter, for purposes of Sections 1909 and 41841.5, in calculating the average daily attendance for schools or classes for adults in correctional facilities, a school district or county board of education may not claim or report any increase in average daily attendance in excess of the average daily attendance authorized pursuant to this article during the previous fiscal year multiplied by 1.025, unless the Legislature approves a greater increase for that fiscal year in the annual Budget Act.

(c) No state funds shall be allocated to a school district or county board of education for units of average daily attendance that have not been approved by the Legislature pursuant to subdivision (a) or (b).

(d) This section shall become operative on July 1, 2000.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that adults in correctional facilities are able to receive an education following temporary closures of those facilities, it is necessary that this act take effect immediately.

